



ATTORNEY DOCKET NO. 14014.0323U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Chiorini, et al.)	Group Art Unit: 1632
)	
Serial No. 09/533,427)	Examiner: Falk. A.
)	
Filed: March 22, 2000)	Confirmation No. 8626
)	
For: AAV5 VECTOR FOR TRANSDUCING)	
BRAIN CELLS AND LUNG CELLS)	

RECEIVED
APR 14 2003
TECH CENTER 1600/2900

**PETITION FOR CORRECTION OF INVENTORSHIP
IN PATENT APPLICATION,
PURSUANT TO 37 C.F.R. § 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

April 4, 2003

Sir:

Pursuant to 37 C.F.R. §1.48(a), applicants hereby petition for correction of inventorship of the above-captioned patent application to delete Brian Safer as a co-inventor. The inventorship originally set forth in the application was in error in naming Dr. Safer, without deceptive intent on the part of the named inventors, or on the part of any other party or parties. The inventors of the present invention are John A. Chiorini, Robert M. Kotin, Beverly Davidson and Joseph Zabner.

Granted 6/26/03
Am 2

This petition is accompanied by:

1. a statement from one of the assignees, The Government of the United States of America, as Represented by the Secretary, Department of Health and Human Services, National Institutes of Health, Office of Technology Transfer, on behalf of Brian Safer, the person being deleted as an inventor, that the error in inventorship occurred without deceptive intention on his part;
2. a Declaration executed by the actual inventors pursuant to 37 C.F.R § 1.63;
3. the written consent of the assignee, The Government of the United States of America, as Represented by the Secretary, Department of Health and Human Services, National Institutes of Health, Office of Technology Transfer, as required under 37 C.F.R. §1.48(a),
4. the written consent of the assignee, The University of Iowa Research Foundation, as required under 37 C.F.R. §1.48(a);
5. a copy of the assignment to each assignee; and
6. PTO-2038 in the amount of \$130.00 for the fee set forth in under 37 C.F.R. § 1.17(i).

Applicants are unable to obtain Dr. Brian Safer's signature on a statement that the error in inventorship arose without deceptive intention on his part. The lead inventor, Dr. John Chiorini, who is most familiar with the relevant facts, has informed applicants attorney that the last information he had regarding Dr. Safer was that Dr. Safer was in a nursing home and is incapacitated. Dr. Chiorini does not know the whereabouts of Dr. Safer. Dr. Chiorini does not know who might be the legal guardian of Dr. Safer if such a guardian exists, and does not know the name or address Dr. Safer's legal guardian if he has one.

35 U.S.C. § 118 states, in relevant part, "whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows

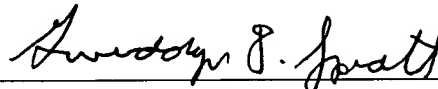
sufficient proprietary interest in the matter justifying such action, may take application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage."

Applicants believe that they have met the required showing. Therefore, applicants have provided a statement from, the assignee, The Government of the United States of America, as Represented by the Secretary, Department of Health and Human Services, National Institutes of Health, Office of Technology Transfer on behalf of Dr. Brian Safer indicating that the error in inventorship occurred without deceptive intention on his part.

A check in the amount of \$130.00 is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account 14-0629. Should there be any questions, please contact the undersigned at 404/688-0770.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.




Gwendolyn D. Spratt
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
404/688-0770

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.


Gwendolyn D. Spratt

4-4-03
Date: April 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Chiorini)

Serial No. 09/533,427)

Filed: March 22, 2000)

For: AAV5 VECTOR FOR TRANSDUCING)
BRAIN CELLS AND LUNG CELLS)

Group Art Unit: 1632

Examiner: Falk, Anne. M.

Confirmation No. 8626

**STATEMENT OF ASSIGNEE, THE GOVERNMENT OF THE UNITED STATES, AS
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN
SERVICES, NATIONAL INSTITUTES OF HEALTH, ON BEHALF OF BRIAN SAFER
ACCOMPANYING PETITION FOR CORRECTION OF INVENTORSHIP
IN PATENT APPLICATION, PURSUANT TO 37 C.F.R. § 1.48(a)**

The Government of the United States, as represented by the Secretary, Department of Health and Human Services, National Institutes of Health, assignee of the above-captioned patent application, believes that Brian Safer is legally incapacitated and unable to sign this statement.

Therefore, on behalf of Brian Safer, The Government of the United States, as represented by the Secretary, Department of Health and Human Services, National Institutes of Health, states as follows:

I, Brian Safer am not a co-inventor of the invention, described and claimed in the above-captioned patent application, and that the error in my being named as an inventor occurred without deceptive intention on my part.

National Institutes of Health

Dated: 1 April 2003


by: Susan S. Rucker, J.D.

(for Brian Safer)

W118308



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For: AAV5 VECTOR FOR TRANSDUCING)
BRAIN CELLS AND LUNG CELLS)

Group Art Unit: 1632

Examiner: Baker A.

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**CONSENT OF ASSIGNEE,
THE UNIVERSITY OF IOWA RESEARCH FOUNDATION
ACCOMPANYING PETITION FOR CORRECTION OF INVENTORSHIP IN PATENT
APPLICATION, PURSUANT TO 37 C.F.R. §1.48(a)**

The University of Iowa Research Foundation, assignee of the above-captioned patent application, hereby provides its written consent for correction of inventorship in said application to delete Brian Safer as a co-inventor.

W B Wheaton 1/7/02

by: W. Bruce Wheaton, Director


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Filed: March 22, 2000)	
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For: AAV5 VECTOR FOR TRANSDUCING)	
BRAIN CELLS AND LUNG CELLS)	

**CONSENT OF ASSIGNEE,
THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AS REPRESENTED
BY THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES,
NATIONAL INSTITUTES OF HEALTH, OFFICE OF TECHNOLOGYTRANSFER
ACCOMPANYING PETITION FOR CORRECTION OF INVENTORSHIP IN PATENT
APPLICATION, PURSUANT TO 37 C.F.R. §1.48(a)**

The Government of the United States of America, as Represented by the Secretary, Department of Health and Human Services, National Institutes of Health, Office of Technology Transfer, assignee of the above-captioned patent application, hereby provides its written consent for correction of inventorship in said application to delete Brian Safer as a co-inventor.

National Institutes of Health



by: Susan S. Rucker, J.D.